IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ACCENTURE GLOBAL SERVICES, GmbH and **ACCENTURE, LLP**,	)	
Plaintiffs,	)	
	)	2:10mc02
v.	)	Electronic Filing
GUIDEWIRE SOFTWARE, INC.,	)	
Defendant.	)	

In re: Subpoena Served on Michael Shamos

ORDER OF COURT

And now, this 25th day of January, 2011, upon due consideration of Plaintiffs' motion for reconsideration and after discussion with counsel, IT IS ORDERED that [10] the motion be, and the same hereby is, granted in part and denied in part. The motion is granted as follows: plaintiffs/Dr. Shamos shall begin their efforts to comply with [9] this court's order of December 9, 2010, by producing the following:

1. All prior testimony Dr. Shamos has given within the past ten years, in deposition, at trial, in arbitration or in any other similar proceeding, to the extent it relates to the fields of (1) insurance, (2) claims-handling software, and (3) patent or trade secret matters, with plaintiffs bearing all costs. Plaintiffs/Dr. Shamos shall create a privilege log identifying all such prior testimony within any of these fields that is governed by an existing confidentiality or protective order and shall identify the court/judge issuing such order and the parties, along with a description of the nature of the testimony given that provides a level of specificity that will permit Guidewire and/or this court to determine whether further effort should be expended toward obtaining such testimony. Plaintiffs/Dr. Shamos shall identify all other prior testimony given in or relating to any other field;

2. All expert reports in which Dr. Shamos has participated within the last 10 years to the extent they relate to the fields of (1) insurance, (2) claims-

handling software, and/or (3) patent or trade secret matters. Plaintiffs/Dr. Shamos shall create a privilege log identifying all such prior reports within any of these fields that are withheld because they are governed by an existing protective order or other order of seal and shall identify the court/judge issuing such order and the parties, along with a description of the nature of the topics/opinions within the report that provides a level of specificity that will permit Guidewire and/or this court to determine whether further effort should be expended toward obtaining release of the report. Pursuant to the stipulated protective order, this request expressly excludes draft reports prepared in connection with the proceeding currently pending in Federal Court for the District of Delaware entitled Accenture Global Services GmbH, et al v. Guidewire Software, Inc., CA No. 07-826-SLR.

3. All documents relating to your knowledge of insurance claims-handling, insurance claims-handling software, and/or computer software systems used in the insurance industry, including but not limited to all course work, self-study, and/or professional experience in insurance.

4. Any document on which you intend to rely to support a claim of knowledge of, familiarity with, or expertise in insurance.

5. All documents relating to any work you have done with claims-handling software, including but not limited to all course work, self-study, and professional experience with claims-handling software, and any other document on which you intend to rely to support a claim of knowledge of, familiarity with or expertise in claims-handling software.

6. All publications you have authored or contributed to within the last 10 years in the fields of insurance, insurance claims-handling software, patents, trade secrets, object oriented programming or expert testimony to the extent they are available online or in formal publications that require no cost to acquire. Plaintiffs/Dr. Shamos also shall bear the cost of any publication to the extent any portion of the fees or charges generate royalties or monetary proceeds of any kind for Dr. Shamos. The production of all remaining publications shall be borne by Guidewire.

7. All notes, text, slides, or handouts for any prepared remarks or speeches you have given within the last 10 years relating to the topics of insurance, claims-handling software, patents, trade secrets, or object oriented programming.

8. All materials from any class or course for which you have been an instructor relating to the fields of insurance, insurance claims-handling software, and patents or trade secrets to the extent it relates to object

oriented programming including but not limited to copies of all syllabi or lists of required readings for students in those classes.

9. All press articles in which you have been quoted, cited, or referred to as an expert or authority.

10. All correspondence between you and the United States Patent and Trademark Office on any topic about which you intend to testify in the above-captioned litigation, including but not limited to correspondence that you received (even if not directly addressed to you) and correspondence to which you contributed (even if not expressly signed by you). Plaintiffs/Dr. Shamos shall create a privilege log identifying all such correspondence that is being withheld from production because of a claim of privilege and shall identify the client, the nature of the representation and a description of the nature of the correspondence that provides a level of specificity that will permit Guidewire and/or this court to determine whether further effort should be expended toward challenging the assertion of privilege and/or obtaining such correspondence.

11. All patent applications you have filed or submitted as an inventor and the related file histories to the extent they relate to (1) the fields of insurance, (2) insurance claims-handling systems or software, and/or (3) intellectual property matters that relate to electronic commerce, software, or object-oriented programming.

Plaintiffs/Dr. Shamos shall begin production as soon as possible and shall comply with this order on or before March 31, 2011. On or before April 29, 2011, Guidewire shall evaluate the information produced and determine whether good grounds exist for seeking any matters withheld as privileged or subject to protective order and/or whether good grounds exist for additional production within the scope of this court's order of December 9, 2010, that is beyond the production made pursuant to this order. Counsel shall (1) meet and confer and (2) shall act in good faith and use all reasonable means available to resolve any dispute about any such additional material/production requested by Guidewire. Either party may seek further relief from this court at the conclusion of this process. The motion is denied in all other aspects; and

IT IS FURTHER ORDERED that counsel may modify the scope or requirements of this order and/or further resolve/narrow their discovery dispute through written agreement signed by lead and local counsel for both parties.

s/ David Stewart Cercone
David Stewart Cercone
United States District Judge

cc: William James Rogers, Esquire

Richard F. Rinaldo, Esquire

Via: CM/ECF Electronic Filing